



**Dodhia v Anmol Limited & another; Director of Physical Planning & 2 others (Interested Parties)
(Environment & Land Case 245 of 2018) [2024] KEELC 458 (KLR) (30 January 2024) (Ruling)**

Neutral citation: [2024] KEELC 458 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
ENVIRONMENT & LAND CASE 245 OF 2018
LN MBUGUA, J
JANUARY 30, 2024**

BETWEEN

DEEPAK HARAKCHAND DODHIA PLAINTIFF

AND

ANMOL LIMITED 1ST DEFENDANT

SUPERFIT STEELCON LTD 2ND DEFENDANT

AND

DIRECTOR OF PHYSICAL PLANNING INTERESTED PARTY

NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY INTERESTED PARTY

NATIONAL CONSTRUCTION AUTHORITY INTERESTED PARTY

RULING

1. This ruling is in respect of the application made by counsel for the 1st Interested Party to have their defence dated today (30.1.2024) admitted as their pleading.
2. I find that this case is 5 years old, and the 1st Interested Party has apparently been present in these proceedings from inception. Their current advocate admit to having come on record on 8.3.2022, that is a period of almost two years.
3. On 11.5.2023 the court gave strict timelines on compliance relating to filing of documents of which the matter was given both a hearing date (of today 30.1.2024) and a pretrial trial date (on 25.10.2023). Sadly, it has emerged that the matter was not cause listed on 25.10.2023, hence the court was not able to carry out the pretrial exercise, the one that precedes the main hearing. The 1st Interested Party has not given any plausible explanation as to why they have not filed pleadings for the last 5 years.



4. Nevertheless, noting that the matter has not taken off, in the interest of justice and the right to be heard, as well as the fact that the court has not conducted a pretrial, the court hereby grants leave to the 1st Interested Party to have their defence admitted as a pleading. Since the 1st Interested Party has no witness statements and documentary evidence, the court gives them two options:
 1. The court is willing to adjourn the case to enable the 1st Interested Party to gather their witness statements and documentary evidence or;
 2. They can opt to proceed with the hearing today without calling any evidence.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 30TH DAY OF JANUARY, 2024 THROUGH MICROSOFT TEAMS.

LUCY N. MBUGUA

JUDGE

In the presence of:-

Aaron Kinyanjui for Plaintiff

Shah for 1st Defendant

Isindu for 2nd Defendant

M/s Korir holding brief for Itugi for 3rd Interested Party

M/s Wanjala holding brief for M/s Nderu for 1st Interested Party

Korir holding brief for Mr. Uguna for 2nd Interested Party

Plaintiff

Aswin director of 2nd Defendant

Court assistant: Eddel

